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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/093,533
Filing Date	6/8/1998
First Named Inventor	Malcolm et al.
Group Art Unit	2171
Examiner Name	Mary Wang
Attorney Docket Number	101.1001.02

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months, Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0365
 - i. RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other _____
- b. Check in the amount of \$ _____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Steven A. Swernofsky	Registration No. (Attorney/Agent)	33,040
Signature	<i>SA Swernofsky</i>	Date	01-10-2002

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Arlette Malhas, Paralegal		
Signature	<i>Arlette, Malhas</i>	Date	1-10-2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



22883

PTO/SB/17 (10-01)
Approved for use through 10/31/2002. OMB 0651-0032PATENT TRADEMARK OFFICE Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$740.00)

Complete if Known

Application Number	09/093,533
Filing Date	6/8/1998
First Named Inventor	Malcolm, et al.
Examiner Name	Mary Wang
Group/Art Unit	2171
Attorney Docket No.	101.1001.02

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number

50-0365

Deposit Account Name

Swernofsky Law Group

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
101	740	201	370
		Utility filing fee	
106	330	206	165
		Design filing fee	
107	510	207	255
		Plant filing fee	
108	740	208	370
		Reissue filing fee	
114	160	214	80
		Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from Below	Fee Paid
Independent Claims	-20**=	X	=
Multiple Dependent	-3**=	X	=

Large Entity	Small Entity	Fee Description
Fee Code	Fee (\$)	Fee Description
103	18	203
		9 Claims in excess of 20
102	84	202
		42 Independent claims in excess of 3
104	280	204
		140 Multiple dependent claim, if not paid
109	84	209
		42 **Reissue independent claims over original patent
110	18	210
		9 **Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see below

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
105	130	205	65
		Surcharge – late filing fee or oath	
127	50	227	25
		Surcharge – late provisional filing fee or cover sheet	
139	130	139	130
		Non-English specification	
147	2,520	147	2,520
		For filing a request for reexamination	
112	920*	112	920*
		Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*
		Requesting publication of SIR after Examiner action	
115	110	215	55
		Extension for reply within first month	
116	400	216	200
		Extension for reply within second month	
117	920	217	460
		Extension for reply within third month	
118	1,440	218	720
		Extension for reply within fourth month	
128	1,960	228	980
		Extension for reply within fifth month	
119	320	219	160
		Notice of Appeal	
120	320	220	160
		Filing a brief in support of an appeal	
121	280	221	140
		Request for oral hearing	
138	1,510	138	1,510
		Petition to institute a public use proceeding	
140	110	240	55
		Petition to revive – unavoidable	
141	1,280	241	640
		Petition to revive – unintentional	
142	1,280	242	640
		Utility issue fee (or reissue)	
143	460	243	230
		Design issue fee	
144	620	244	310
		Plant issue fee	
122	130	122	130
		Petitions to the Commissioner	
123	50	123	50
		Petitions related to provisional applications	
126	180	126	180
		Submission of information Disclosure Stmt	
581	40	581	40
		Recording each patent assignment per property (times number of properties)	
146	740	246	370
		Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370
		For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370
		Request for Continued Examination (RCE)	
169	900	169	900
		Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$740.00)

SUBMITTED BY

Complete if applicable

Name (Print/Type)	Steven A. Swernofsky	Registration No. (Attorney/Agent)	33,040	Telephone	650-947-0700
Signature				Date	01-10-2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PTO-2038 (02-2000)

22883

Approved for use through 01/31/2003. OMB 0651-0043

United States Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

PATENT TRADEMARK OFFICE

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United States Patent & Trademark Office**Credit Card Payment Form****Please Read Instructions before Completing this Form****Credit Card Information****Credit Card Type:** Visa Master Card American Express Discover

Credit Card Account #:

Credit Card Expiration Date: 04/04

Name as it Appears on Credit Card: Steven A. Swernofsky

Payment Amount: \$(US Dollars): \$740.00

Signature:  Date: 01-10-2002**Refund Policy:** The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be via credit to the credit card account.**Service Charge:** There is a 50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)).**Credit Card Billing Address**

Street Address 1: 4970 El Camino Real

Street Address 2: Suite 210

City: Los Altos

State: CA Zip/Postal Code: 94022

Country: USA

Daytime Phone #: 650-947-0700 Fax #: 650-947-8438

Request and Payment Information

Description of Request and Payment Information:

Request for continued examination (RCE) - PTO Fee Code 179

Patent Fee	Patent Maintenance Fee	Trademark Fee	Other Fee
Application No. 09/093,533	Application No.	Serial No.	IDON Customer No.
Patent No.	Patent No.	Registration No.	
Attorney Docket No. 101.1001.02		Identify or Describe Mark	

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